

ZB# 98-11

Michael Bagarozzi

70-1-15.6

Prdum.

April 13, 1998.

copy of Deed.

Photos of

Notice to leave 4/14/98.

Jefferson

Public Hearing: 4/16/98.

April 27, 1998.

Granted 4-0

Refund:

\$ 194.00

#98-11- Bagarozzi, Mike - Apr 20-1-1998

Wilson Jones Carbonless Receipt Duplex System, Inc.

© Wilschdane, 1989

DATE April 16, 1998 RECEIPT 297644

RECEIVED FROM Michael Baggage

Address

Fifth St / W

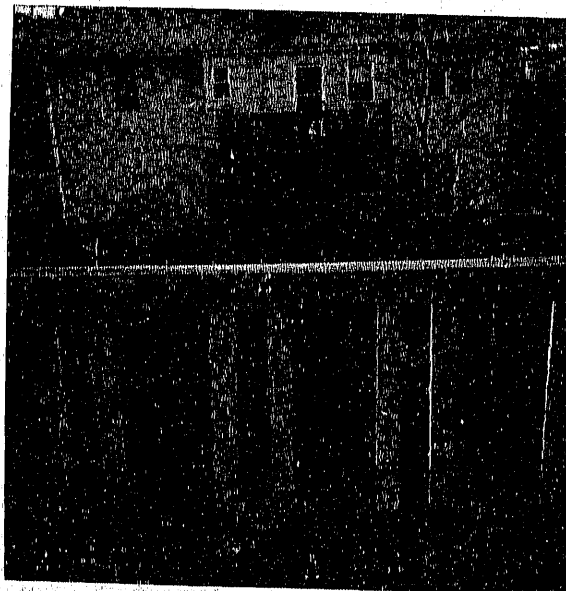
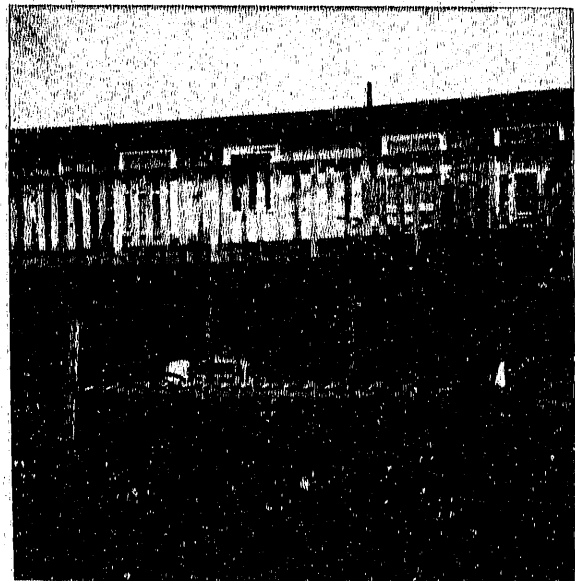
DOLLARS \$50.00

FOR ZBA # 98-11

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>02/4/87</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorinda H. Nanger



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bagarozzi, Michael

FILE# 98-11

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid 4/6/98
ck # 437*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid 4/6/98
ck # 438*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/2/98 - 4 \$ 18.00
2ND PRELIMINARY- PER PAGE 4/27/98 - 4 \$ 18.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 4/13/98 \$ 35.00
2ND PRELIM. 4/22/98 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 194.00

Date 3/1....., 1978.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Michael Bagarozzi DR.

26 Fanley Avenue

New City, N.Y. 10956

[illegible]

MICHAEL BAGAROZZI 6-95
18 TRUAX DR.
NEW WINDSOR, NY 12551

50-507/219
45-1493221

437

April 15, 1998
DATE

PAY TO
THE ORDER OF

Town of New Windsor \$ 50.00

Fifty

DOLLARS

USE UNION STATE BANK
111 SOUTH MAIN STREET
NEW CITY, NY 10954

MEMO ZBA #98-11

Michael Bagarozzi

⑆02⑆905977⑆ 45⑆⑆⑆49922⑆0⑆ 0437

MICHAEL BAGAROZZI 6-95
18 TRUAX DR.
NEW WINDSOR, NY 12550

50-507/219
45-1493221

436

April 15, 1998
DATE

PAY TO
THE ORDER OF

Town of New Windsor \$ 300.00

Three hundred

DOLLARS

USE UNION STATE BANK
111 SOUTH MAIN STREET
NEW CITY, NY 10954

MEMO ZBA #98-11

Michael Bagarozzi

⑆02⑆905977⑆ 45⑆⑆⑆49922⑆0⑆ 0436

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

In the Matter of the Application of

MICHAEL BAGAROZZI

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#98-11.

WHEREAS, MICHAEL BAGAROZZI, residing at 26 Fanley Avenue, New City, New York, N. Y. 10956, has made application before the Zoning Board of Appeals for a 10 ft. rear yard variance for an existing deck at 18 Truex Drive, New Windsor, N. Y. in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of April, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood containing one-family homes.

(b) There is an existing deck on the back of the premises of approximately 10 x 22 ft.

(c) The deck is similar to other decks in the neighborhood.

(d) The present deck was constructed by the property owner to replace an existing deck approximately 14 years ago.

(e) There is an entrance and exit from the house directly on the deck. If the deck was not there, there would be a considerable drop from that entrance to the ground creating the strong likelihood of serious injury:

(f) Because of the placement of the home on the property, which was approved by the then building inspector, a variance would be necessary to construct or maintain any deck at all on the premises.

(g) The deck is not on the top of a water or sewer easement.

(g) The deck does not create any run off or ponding or accumulation of water or divert the course of water flow in any way.

(h) No substantial or significant vegetation was removed to construct the deck.

(i) No complaints have been made formally or informally about the existence of this deck.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations (approximately 25%) but nevertheless is warranted due to the peculiar nature and location of the real property and the house erected upon that property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. rear yard variance for an existing deck located on 18 Truex Drive in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 08, 1998.


Chairman

Date 4/28/18, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Francisco DR.

.....
 Frances Roth
 168 N. Drury Lane
 Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
4/27/98	Training Board Mtg	75.00	
	Misc. - 2		
	Haight - 7		
	Demilt - 3		
	Ciccione - 2		
	<u>Bagarozzi - 4</u>	<u>81.00</u>	
	18		
		156.00	

PUBLIC HEARING:

BAGAROZZI, MICHAEL

MR. NUGENT: Request for 10 ft. rear yard variance for existing deck at 18 Truex Drive in an R-4 zone.

Mr. Michael Bagarozzi appeared before the board for this proposal.

MR. NUGENT: Let the record show there's no one in the audience. You're on.

MR. BAGAROZZI: Okay.

MR. NUGENT: You evidently get along with everyone.

MR. BAGAROZZI: My neighbors love me now that I'm moving.

MS. BARNHART: For the record, we sent out 45 addressed envelopes to all the adjacent property owners within 500 feet on April 16.

MR. REIS: Did we receive any response at all?

MS. BARNHART: No, I just got one back, it was returned.

MR. NUGENT: What are you doing now for the deck?

MS. BARNHART: We also have photographs here, Mr. Chairman, if you want to see the photographs.

MR. KRIEGER: Michael, what's required in the zone, 40 feet rear yard?

MR. BABCOCK: Yes.

MR. KRIEGER: He's 25 percent short.

MR. BABCOCK: He's 20 feet Andy, we changed that last time.

MR. KRIEGER: So, it is not a 10 foot rear variance,

it's a 20?

MR. BABCOCK: Yes, that's correct.

MR. KRIEGER: 50%?

MR. BABCOCK: Right.

MR. BAGAROZZI: I'm 10 short, not 20 feet. I'm 30 from the--

MR. BABCOCK: Excuse me, I'm sorry we revised that. That is the new numbers.

MR. KRIEGER: The number is 25 percent.

MR. BABCOCK: That's correct.

MR. TORLEY: It would be a financial hardship for you to modify the deck to meet the setback requirements?

MR. BAGAROZZI: I have a closing in two weeks.

MR. KRIEGER: How wide is the deck?

MR. BAGAROZZI: It's 10 x 22.

MR. KRIEGER: There are other decks in the neighborhood approximately the same size?

MR. BAGAROZZI: Oh yeah, they are all pretty close to the boundary line too, they are going to be in here, I would imagine, I mean they are right on top.

MR. KRIEGER: And in order to modify, you'd have to basically rebuild the entire deck?

MR. BAGAROZZI: Yeah. Actually, I wouldn't be able to, pretty much wouldn't be able to have a deck, that was the thing that throws me, there was a deck on the house when I bought it and that was probably went out about eight feet and it was just, you know, it was old, I mean it was falling apart, so I just happened, I took it down, I didn't think it was a big deal if I made a nicer deck, it's only out two more feet than the other

April 27, 1998

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deck. I went to closing and nobody ever said a word.

MR. KRIEGER: That was 18 years ago.

MR. BAGAROZZI: Fourteen.

MR. NUGENT: Much stricter today.

MR. BAGAROZZI: Yeah, I can see.

MR. KRIEGER: There's an entrance from the back of the house to a door that enters onto the deck?

MR. BAGAROZZI: Yes, the kitchen.

MR. KRIEGER: If the deck wasn't there, there'd be a considerable drop, anybody walking out the door would hit the ground?

MR. BAGAROZZI: Yes.

MR. TORLEY: Deck doesn't encroach on any easements or--

MR. BAGAROZZI: No.

MR. KRIEGER: Do you have municipal sewer and water?

MR. BAGAROZZI: Yes.

MR. KRIEGER: Does it create any runoff or ponding of water, accumulation of water, divert the course of water flow in any way?

MR. BAGAROZZI: No, not at all.

MR. KRIEGER: You didn't remove any substantial vegetation when you built the deck?

MR. BAGAROZZI: Did I, no, no there was a deck there already.

MR. NUGENT: Got enough?

MR. KRIEGER: Yes.

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MR. NUGENT: What's your pleasure?

MR. TORLEY: Mr. Chairman, I move we grant Mr. Bagarozzi his requested variance.

MRS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Date 4/27/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
4/13/98	2BA Mtg (Denise Prounick)		75 00	
	Misc - 3			
	Bagarozzi - 4 18.00			
	Kreisberg - 4			
	Coloni - 3			
	Reddings - 18			
	Simoni - 4			
	Miele - 6			
	<u>42</u>		189 00	
	<i>James Vignola</i>		264 00	

PRELIMINARY MEETING:

BAGAROZZI, MICHAEL

MR. NUGENT: Request for 20 ft. rear yard variance for the existing deck at 18 Truex Drive in an R-4 zone. You're on.

Mr. Michael Bagarozzi appeared before the board for this proposal.

MR. BAGAROZZI: It's actually nine foot.

MR. NUGENT: Come up and show your pictures.

MR. BAGAROZZI: I just estimated, but measured and it's nine foot.

MR. KANE: Nine instead of 20?

MR. BAGAROZZI: Yes.

MR. NUGENT: You only want nine?

MR. BAGAROZZI: I only want nine. It's 31 foot to the boundary line.

MR. NUGENT: Is that all right with you, Mike?

MR. BABCOCK: That's fine.

MS. BARNHART: Mr. Building Inspector, do you want to make a change to this approval?

MR. TORLEY: I advise you to double check your measures.

MR. BAGAROZZI: I did measure it twice. I measured it again today just to make sure. The sides are fine. 43 to one side, 34 to the other. It's just a question of the variance. From the front edge of the overhang, right, to the property line.

MR. TORLEY: Yes.

MR. BAGAROZZI: That's where I measured it.

MR. TORLEY: The reason I suggest it, if you seek and persist to get a variance for nine feet and it turns out you needed nine feet two inches, you'll have to

come back and start over again.

MR. BAGAROZZI: There was a fence. Should I say 10 then?

MR. BABCOCK: I think 10 feet would be more appropriate because I have a survey of yours for an addition you did that says it's 45 feet from the property line to the house; okay?

MR. BAGAROZZI: Okay.

MR. BABCOCK: So your deck isn't on that corner of the house, but if you take 10 foot from that it's 35 feet left and it's going to get closer.

MR. BAGAROZZI: Let's make it 10.

MR. BABCOCK: So I think 10 foot would be more realistic.

MR. TORLEY: You don't want to do it twice.

MR. BAGAROZZI: No.

MR. KANE: How long has the deck been up?

MR. BAGAROZZI: It's been up since '86.

MR. KANE: Did you purchase the house with the deck up there or did you construct it later?

MR. BAGAROZZI: I purchased it with a deck on there previously and it was all dilapidated. It was all messed up, and I figured I'd just put a better one on.

MR. KANE: Did you remove any trees, shrubbery?

MR. BAGAROZZI: No.

MR. KANE: Create any water hazards?

MR. BAGAROZZI: No, I didn't.

MR. REIS: When you put a better one, did you expand to it?

MR. BAGAROZZI: I expanded it out probably about it was probably like 6 x 8 or something and I made it 10 x 22. So it actually came out four feet more than

it was. It was six out; I made it 10 out. So that's the only thing in question. The sides are fine.

MR. KANE: Did you apply for a permit when you built it on?

MR. BAGAROZZI: No, I didn't. I didn't really think about it.

MR. KANE: And, Mike, did Frank checked the foundation?

MR. BABCOCK: Yeah, Frank was there and there's some, you know, secure the railings. Some minor details that's he's going to have to take care of once he receives the variance.

MR. BAGAROZZI: Yeah, I have done that. Yeah, cause I asked him to do that so it won't hold my closing up. So I've attended to 90 percent of it. There's still a couple of things to do.

MR. REIS: Any of your neighbors complain, Michael, of the --

MR. BAGAROZZI: No, actually I think probably 70 percent of the neighbors I don't think their deck is 40 feet from their boundary line so I guess they're in the same boat I'm in.

MS. BARNHART: We'll get them.

MR. KANE: Larry, do you have anything further?

MR. TORLEY: Not now.

MR. NUGENT: I'll accept a motion.

MR. REIS: Make a motion to accept Michael Bagarozzi's request for a variance.

MR. KANE: Second the motion.

MR. TORLEY: Public hearing on this variance.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

April 13, 1998

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MR. NUGENT . AYE

MS. BARNHART: Thank you.

MR. BAGAROZZI: Thank you very much.

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 3/23/98

APPLICANT: Michael Bagarozzi
18 Truex Drive
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/23/98

FOR : For Existing Rear Deck

LOCATED AT: 18 Truex Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 70-1-15.6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing Rear deck does not meet minimum rear yard set backs.


BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 10-G

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

20' 30'

20' 10'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

70-1-15.6

RECEIVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

MAR 20 1998

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may **BUILDING DEPARTMENT** unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permit must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Michael BagarozziAddress 18 Truex Drive

Phone

(562-3441)
(639-6071)Mailing Address New Windsor N.Y.

Name of Architect _____

Address _____

Phone _____

Name of Contractor Owner

Address _____

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the Truex DR. side of _____
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 70 Block 1 Lot 1506
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy _____
 - b. Intended use and occupancy A-T
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒
6. Is this a corner lot? No EXISTING 10x20 DECK existing deck
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$600 Fee \$50
(To be Paid on this Application)
11. School District Newburgh

Care for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith exclusive of the cost of the land. If final cost shall exceed estimated cost an additional fee may be required before the issuance of Certificate of Occupancy.

3/20/98

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi,
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

Bldg Insp Examined ☒
Fire Insp Examined ☒
Approved ☒
Disapproved ☒ 3-23-98
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☒

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

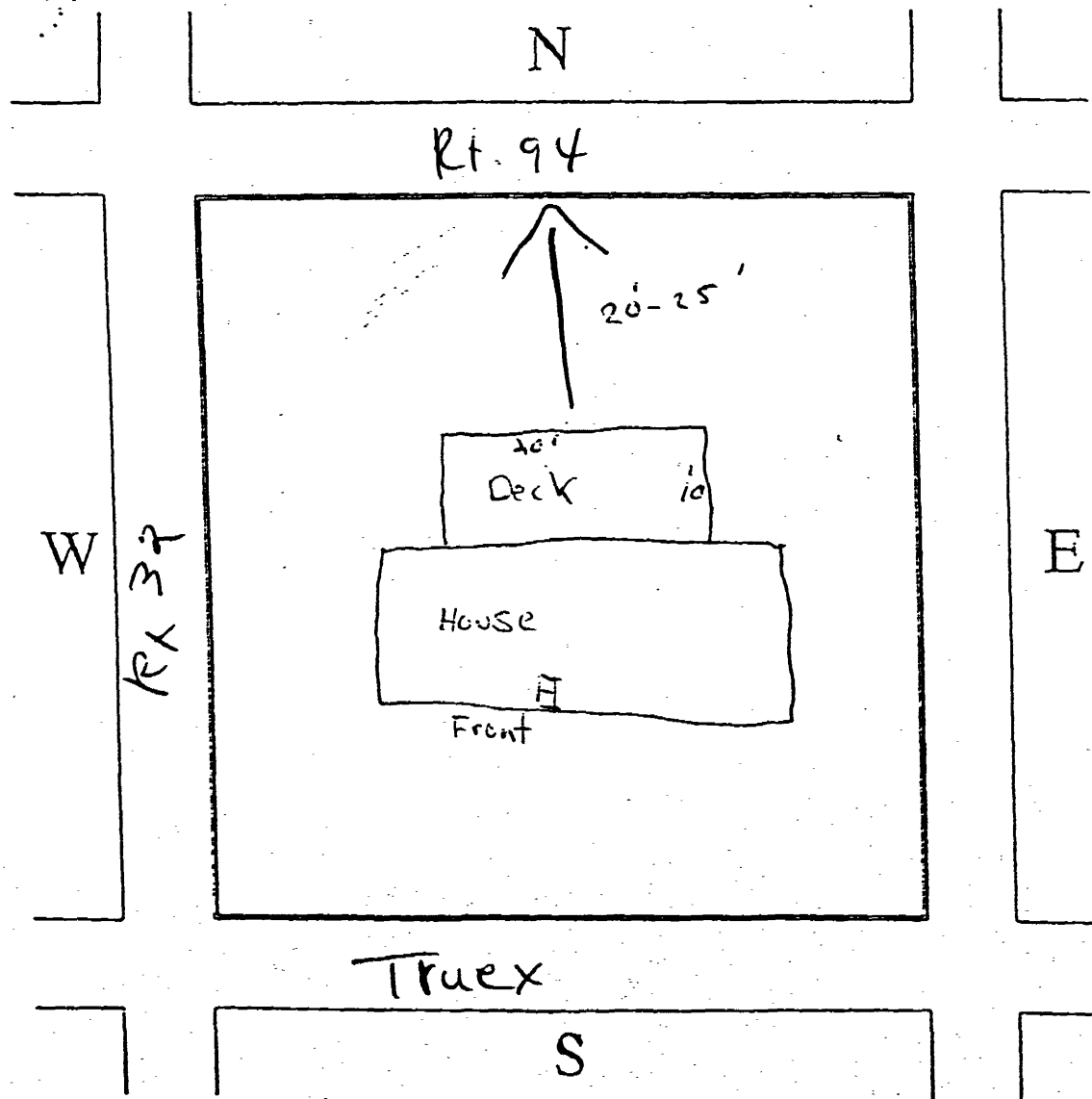
Michael Babcock
(Signature of Applicant)

18 Truex Drive
(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all setback dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



ALL NEWBURN SCHOOL DISTRICT
ALL VAILS GATE FIRE DISTRICT

1. PLAN BLOCK NO.	2. PLAN LOT NO.
3. ADDRESS	4. CITY, STATE, ZIP CODE
5. CITY, STATE, ZIP CODE	6. CITY, STATE, ZIP CODE
7. CITY, STATE, ZIP CODE	8. CITY, STATE, ZIP CODE

ORANGE COUNTY~NEW YORK

Photo No. 8-487,488

Date of Map: 9-24-67

Date of Photo: 3-1-68

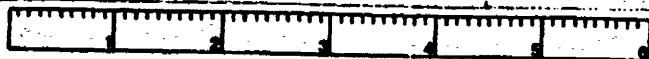
Date of Revision: 3-1-68

Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 70

541



SECTION 65

SECTION 69



DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

April 7, 1998

Mr. Michael Bagarozzi
18 Truex Dr.
New Windsor, NY 12553

Re: 70-1-15.6

Dear Mr. Bagarozzi:

According to our records, the attached list of property owners are within the agricultural district which is within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

L. Cook

Leslie Cook
Sole Assessor

/cad
Attachments



Leonardo, Constantine
94-96 Maple St.
Newburgh, NY 12550

Leonardo, Samuel
7 Dogwood Hills Rd.
Newburgh, NY 12550

Hughes, Terry Scott
18 Ellison Dr.
New Windsor, NY 12553

House of Apache Properties LTD
52 Elm St.
Huntington, NY 11743

Mans Brother Realty Inc.
PO Box 247
Vails Gate, NY 12584

Greer, Gregory P.
PO Box 212, Shields Rd.
Cornwall, NY 12518

Mans, C.P.
PO Box 247
Vails Gate, NY 12584

Panella, Emilio
PO Box 473
Vails Gate, NY 12584

V. G. Maximus Inc.
c/o Joseph Pisani
203 Cambridge Court
New Windsor, NY 12553

Harris, Benjamin & Bella
PO Box 780
Cornwall, NY 12518

Abrams, Harold & Yvonne B.
PO Box 462
Vails Gate, NY 12584

Reynolds, Larry
4 Truex Dr.
New Windsor, NY 12553

Smith, Christopher S. & Deborah
6 Truex Dr.
New Windsor, NY 12553

Lekis, Edward F. & Jo Ann M.
PO Box 204
Vails Gate, NY 12584

Melore, Philip M. & Christina M.
10 Truex Circle
New Windsor, NY 12553

Vander Maas, Brian K. & Bridgette A.
12 Truex Dr.
New Windsor, NY 12553

Fernandez, Michael A. & Mary F.
9 Truex Circle
New Windsor, NY 12553

Tosco, Salvatore & Carolina
7 Truex Circle
New Windsor, NY 12553

Bencosme, Miguel R. & Barbara D.
16 Truex Dr.
New Windsor, NY 12553

Wynder, Jr. Kenneth N.
14 Truex Dr.
New Windsor, NY 12553

Gardner Plus 3
104 So. Central Ave.
Valley Stream, NY 11580-5461

4 Acres LLC
104 So. Central Avenue
Valley Stream, NY 11580

Jaczko, Carolyn & Robert W.
PO Box 231
Vails Gate, NY 12584

Di Miceli, Josephine & Siano, Carolyn
PO Box 283
Vails Gate, NY 12584

Irizarry, Leonides Jr. & Theresa J.
20 Truex Dr.
New Windsor, NY 12553

Barton, Thomas W. & Dorothy P.
22 Truex Dr.
New Windsor, NY 12553

Leto, Deborah B. & Kevin J.
24 True Dr.
New Windsor, NY 12553

Grinder, Norman W. & Mary Ellen
26 Truex Dr.
New Windsor, NY 12553

Reed, Clarence & Zenobia B.
3 Truex Dr.
New Windsor, NY 12553

Vail, Elizabeth R.
30 Marshall Dr.
New Windsor, NY 12553

Wray, Stanley Jr. & Kellyann P.
4 Kearney Dr.
New Windsor, NY 12553

Coakley, Dennis & Rose Ann
6 Kearney Dr.
New Windsor, NY 12553

Luongo, Angelo & Marian L. Buckheit
8 Kearney Dr.
New Windsor, NY 12553

Benjamin Harris Realty Inc.
PO Box 780
Cornwall, NY 12518

Russell, Julian & Virginia
15 Truex Dr.
New Windsor, NY 12553

Nevico, Howard C. & Margaret Q.
PO Box 92
Vails Gate, NY 12584

Abrams, Peter L. & Eileen
11 Truex Dr.
New Windsor, NY 12553

De Feo, Elaine M.
PO Box 246
Vails Gate, NY 12584

Velazquez, David & Raquel
5 Kearney Dr.
New Windsor, NY 12553

Estrada, Maria N.
83-40 Britton Ave., Apt. 3L
Elmhurst, NY 11373

Wright, Gregg S. & Hillary M.
1 Kearney Dr.
New Windsor, NY 12553

Cos, Andrew J. & Janet
4 Haight Dr.
New Windsor, NY 12553

Provident Bank of Maryland
c/o Home Loan & Investment Bank FSB
1 Home Loan Plaza Suite 3
Warwick, RI 02886

Moody, Robert W. & Maxine P.
PO Box 224
Vails Gate, NY 12584

Worden, David A. & Marie A.
PO Box 134
Vails Gate, NY 12584

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-11

Date: 4/10/98

I. Applicant Information:

- (a) Michael Bagarozzi 18 Truex Drive New Windsor 561-3441
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-9 18 Truex Dr New Windsor 70-1-15-6 100X100X5
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1984
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no
- _____
- _____
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 42-12, Table of Use/Bulk Regs Regs., Col. 6.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40'</u>	<u>30'</u>	<u>10'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Without the area variance I probably won't be able to sell my house. When I bought my house it already had an existing deck on it & I was not informed then of the requirements of it having to be 40ft. from the property line. I also believe that several of my neighbors are not aware of the 40ft. requirement because most are not up to code. Lastly, I believe the deck doesn't infringe on anybody's value of their home or privacy. I have never had any complaints by my neighbors about the deck.
(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The deck that was previously on the house, was old and delapidated so I removed it and added a nicer deck that I feel is an improvement to the house and to the neighboring homes that are in view of the deck.

IX. Attachments required:


- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ ~~N/A~~ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ ~~N/A~~ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50 and the second check in the amount of \$ 300, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 4/13/98

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

13th day of April, 1998

XI. ZBA Action:

(a) Public Hearing date: _____

JUDITH M. SMITH
Notary Public, State of New York
No. 01SM4843909
Qualified in Rockland County
Commission Expires 5/31/99

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

RR33-11530

THIS INSTRUMENT, made the 9 day of February, nineteen hundred and eighty-four
BETWEEN PHILIP T. DE ROBERTIS and HAZEL E. DE ROBERTIS,
18 Truex Drive, New Windsor, New York,

party of the first part, and MICHAEL BAGAROFF, residing at 22 Kennedy Drive,
West Haverstraw, New York, and GRIMALDA SANCHEZ,
residing at 49 Hudson Avenue, Haverstraw, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND 00/100----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the first part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, Orange County, New York, being more
particularly described as follows:

Beginning at a point in the northerly line of Truex Drive at the
southeast corner of Lot 104 as shown on a map entitled "Amor Homes,
Marshall Park" filed in the Orange County Clerk's Office on 17
December 1970 as map No. 2598, running thence along the east line
of Lot 104 N2°45'30" E 100.01' to the southwest corner of 105, thence
along the south line of Lot 105 S88°12'00"E 100.02' to the southwest
corner of Lot 108, thence along the west line of Lot 107 S2°45'30" W
100.00' to the northerly line of Truex Drive aforesaid, thence N88°
12'00" W 100.02' to the point or place of beginning. *

Being the same premises conveyed to Philip T. DeRobertis and Hazel
E. DeRobertis, by Nicholas Grande by deed dated June 16, 1975 and
recorded in the office of the Clerk of the County of Orange in Liber
2010 of Deeds at Page 161 on June 19, 1975.

* ALSO being known and designated as follows:

All that piece or parcel of land situate, lying and being in the Town
of New Windsor, Orange County, New York, known and designated as
Lot 106 as shown on a map entitled "Amor Homes, Marshall Park", said
Map having been filed in the Orange County Clerk's Office on December
17, 1970 as Map No. 2598.

LIB 2275 1037

70-1-15-6

1887 2275 1008

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, as joint tenants with the right of survivorship.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Philip T. DeRobertis
Philip T. DeRobertis

Margaret E. DeRobertis
Margaret E. DeRobertis

STATE OF NEW YORK, COUNTY OF ORANGE

On the 7 day of February 1984, before me personally came

Philip T. DeRobertis

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Notary Public - State of New York
My Commission Expires March 30, 1984

STATE OF NEW YORK, COUNTY OF ORANGE

On the 7 day of February 1984, before me personally came

Hazel E. DeRobertis

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Notary Public - State of New York
My Commission Expires March 30, 1984

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bergin and Bole Deck
With COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

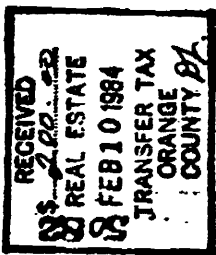
SECTION
BLOCK
LOT
COUNTY OR TOWN

TO

RETURN BY MAIL TO:

Charles Obrowski, Esq.
320 Main Street
Cornwall, New York 12518
Zip No.

Return this space for use of Recording Office.



LIBER 2275 PG 1039

Orange County Clerk's Office, N.Y.

Recorded on the 10 day

of Feb 1984 at 11:39

clock P.M. in Liber 2275

Page 1039 at page 1039

and Examined.

Notary Public

TOTAL P. 84

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 11

Request of Michael Bagarozzi

for a VARIANCE of the Zoning Local Law to Permit:

existing deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. - Col. G

for property situated as follows:

18 Trux Drive, New Windsor, N.Y.

known and designated as tax map Section 70, Blk. 1, Lot 15.6.

SAID HEARING will take place on the 27th day of April, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

By: Patricia A. Barnhart, Secy.